



Inquiries Act 2005

2005 CHAPTER 12

Supplementary

35 Offences

- (1) A person is guilty of an offence if he fails without reasonable excuse to do anything that he is required to do by a notice under section 21.
- (2) A person is guilty of an offence if during the course of an inquiry he does anything that is intended to have the effect of—
 - (a) distorting or otherwise altering any evidence, document or other thing that is given, produced or provided to the inquiry panel, or
 - (b) preventing any evidence, document or other thing from being given, produced or provided to the inquiry panel,or anything that he knows or believes is likely to have that effect.

- (3) A person is guilty of an offence if during the course of an inquiry—
 - (a) he intentionally suppresses or conceals a document that is, and that he knows or believes to be, a relevant document, or
 - (b) he intentionally alters or destroys any such document.

For the purposes of this subsection a document is a “relevant document” if it is likely that the inquiry panel would (if aware of its existence) wish to be provided with it.

- (4) A person does not commit an offence under subsection (2) or (3) by doing anything that he is authorised or required to do—
 - (a) by the inquiry panel, or
 - (b) by virtue of section 22 or any privilege that applies.
- (5) Proceedings in England and Wales or in Northern Ireland for an offence under subsection (1) may be instituted only by the chairman.
- (6) Proceedings for an offence under subsection (2) or (3) may be instituted—
 - (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;

Changes to legislation: *There are currently no known outstanding effects for the Inquiries Act 2005, Section 35. (See end of Document for details)*

- (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (7) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level three on the standard scale or to imprisonment for a term not exceeding the relevant maximum, or to both.
- (8) “The relevant maximum” is—
- (a) in England and Wales, 51 weeks;
 - (b) in Scotland and Northern Ireland, six months.

Changes to legislation:

There are currently no known outstanding effects for the Inquiries Act 2005, Section 35.